

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

James L. Washington,

Petitioner

v.

State of Nevada,

Respondent

2:16-cv-02112-JAD-NJK

**Order Denying Application to Proceed  
*in forma pauperis* and Dismissing Case  
without prejudice and Denying Motion  
for Appointment of Counsel as Moot**

[ECF Nos. 1, 2]

Washington has submitted a § 2254 petition and an application to proceed *in forma pauperis*. But this action has not been properly commenced because Washington submitted incomplete financial paperwork with his IFP application.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, a petitioner must attach both an inmate-account statement for the past six months and a financial certificate signed by an authorized prison or jail officer. Because Washington did not attach an inmate-account statement for the past six months and his financial certificate is not certified by an authorized officer of the Nevada Department of Corrections, his application is incomplete. So I cannot determine whether he qualifies for pauper status. I therefore deny his application and dismiss this case, all without prejudice to his ability to file a new petition in a new action with a properly completed IFP application, including all attachments. Washington is cautioned that he at all times remains responsible for calculating the federal limitations period.

In addition, I note that Washington's habeas petition does not comply with Rule 2(c) of the Rules Governing Habeas Corpus Cases Under Section 2254 because it does not "substantially follow either the form appended to [the habeas] rules or a form prescribed by a local district-court rule." Washington will be provided with this court's prescribed form, and, if he chooses to file a new petition in a new action, he must use it or substantially follow it to avoid dismissal under Rule 2(c).

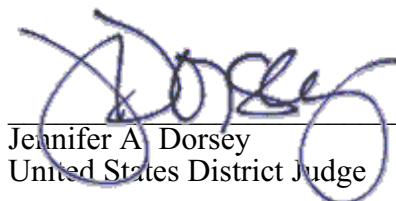
**Conclusion**

Accordingly, IT IS HEREBY ORDERED that Washington's application to proceed *in forma pauperis* [ECF No. 1] is **DENIED without prejudice, this action is DISMISSED without prejudice**, and, because reasonable jurists would not find my conclusions to be debatable or wrong, I decline to issue a certificate of appealability.

IT IS FURTHER ORDERED that Washington's motion for appointment of counsel [ECF No. 2] is **DENIED as moot**.

The Clerk of Court is instructed to **SEND to Washington two copies each of an application to proceed *in forma pauperis* for incarcerated persons and a noncapital Section 2254 habeas petition form**, one copy of the instructions for each form, and a copy of the papers that he submitted in this action.

Dated this 5th day of October, 2016

  
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Jennifer A. Dorsey  
United States District Judge